



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,107	04/19/2004	Jim Bagley	2953.GRAC.PT	1447

26986 7590 03/08/2007
MORRISS O'BRYANT COMPAGNI, P.C.
136 SOUTH MAIN STREET
SUITE 700
SALT LAKE CITY, UT 84101

EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
----------	--------------

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/827,107

Applicant(s)

BAGLEY, JIM

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The examiner is appreciative of the changes made to the language of the claims, the specification and the drawings. These have been duly noted and considered.

CLAIMS

Summary

Claims 1 and 14 are the independent claims under consideration in this Office action.

Claims 2-13 and 15-27 are the dependent claims under consideration in this Office action.

Claim Format

Applicant should note that the language of the last line of claim 14 should be corrected. "channe;" should be replaced.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,11-17,24 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ulmer et al. (5,226,250).

Ulmer et al. teach a system for attaching material to a quilting frame and teach the method for using the apparatus. The system comprises a rail of the quilting machine. The rail comprises a slot 13 (figure 8, for example) including a channel for accommodating a slot member 10 and the material being stretched. The slot member 10 fits within the slot and holds the material within the slot. The slot member is pushed into the slot in a single action and retained therein by use of a pair of springs 14. The slot channel is polygon shaped and is rigid and the slot member or rail of the quilting frame is solid and is shaped complimentary to that of the slot. The slot is attached to the quilting apparatus stand via screws and hinges 38 (see figures 1,3 and 8, for example). The legs of the stand are propped upright and the material is placed across the open frame. The slot members are placed against the material and the slot for gripping the material within the slot.

Claims 1-5,7,11-18,20 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hamu (5,018,442).

Hamu teaches a system for attaching material to a stretching frame and teach the method for using the apparatus. The system comprises a slot 44 (figure 3) where the slot is part of a rail 16 of the stretching frame (figure 1, for example) and in another embodiment is fitted within a separate rail 66 of the frame (figures 8 or 10, for example). The channel accommodates at least one slot member 46a (figure 7) and the material being stretched. The slot member 46a is pushed into the slot in a single action

by using a tool 50. The slot member retains the material in the slot by sandwiching the material between the slot member and the slot wall. The slot member is solid and yet flexible or rubber-like. The slot is formed of a rigid material and in one embodiment is attached to the frame portions by a plurality of screws 36 (figure 2, for example), in this embodiment the slot can be replaced or moved to a different frame as desired and the screws would thus comprise temporary attachment means. Concerning the "quilting frame" language in claim 1, this is considered field of use language. Concerning the "the quilting machine" language of claim 12 and 25, the quilting machine is not positively recited in the claim and as such is also considered field of use language.

Claims 1-5,7-10,12,14-18,20-23 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Riekse (3,205,547).

Riekse teaches a system for attaching material to a rail or wall of a tub and teach the method for using the apparatus. The system comprises a triangularly shaped slot 28 (figure 3) where the slot is part of a rail or wall 10 of a tub shower wall. The channel accommodates a solid rubber-like triangularly shaped slot member 24 completely within and it and a material (shower curtain) being stretched. The slot member 24 is pushed into the slot in a single action and retains the material in the slot by sandwiching the material between the slot member and the slot wall. The slot is formed of an extruded material and is adhered to the rail or wall for stretching the material. The slot-attaching surface is flat and this cooperates with the flat surface of the tub rail or wall and thus enhances the connection between the surfaces. Concerning the "quilting frame" language in claim 1, this is considered field of use language. Concerning the "the

quilting machine” language of claims 12 and 22,23 and 25, the quilting machine is not positively recited in the claim and as such is also considered field of use language.

Claims 1-5,7,12-18 and 25-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maudlin et al. 4,903,629).

Maudlin et al. teach a system for attaching material to a least one rail 10 and teach the method for using the apparatus. The system comprises a slot 20 (figure 1, for example) where the slot is part of a rail 10. The channel accommodates at least one slot member 38 (figure 3) and the material being stretched. The slot member 38 is pushed into the slot in a single action and retains the material in the slot by sandwiching the material between the slot member and the slot wall. The slot member is solid and yet flexible or rubber-like as is the slot. The slot is attached to the object to which the material is to be attached to by a plurality of screws 28 (figure 4, for example), in this embodiment the slot can be replaced or moved to a different location or object as desired and the screws would thus comprise temporary attachment means. Concerning the “quilting frame” language in claim 1, this is considered field of use language. Concerning the “the quilting machine” language of claim 12 and 25, the quilting machine is not positively recited in the claim and as such is also considered field of use language.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 3765

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamu '422 in view of Foerst (5,209,029).

Hamu discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Hamu teaches a frame including four sides and each side comprising a slot and at least one slot member 46a for placement within the slot. The slot member is provided for wedging a material within the slot with the material sandwiched between the slot wall and the slot member. However, Hamu does not suggest the slot member as being a hollow member.

Foerst teaches a frame including sides 10 with slots 50 and slot members 78. The slot members are provided for fastening a material within the slots. Further, Foerst teaches the slot members or lock beads 78 as including a hollow portion within its structure (figure 2, for example).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the slot members of Hamu as including hollow portions. Providing such hollow portions would allow the lowering of the weight of the slot members and increase the flexibility of the slot members thus allowing better control and gripping power on the material being stretched by narrowing the entrance slot measurement of the slot.

PERTINENT CITATIONS

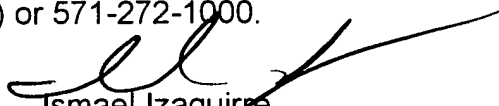
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brooks and Doone illustrate hollow splines for use on slots of frame apparatus.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ismael Izaguirre
Primary Examiner
Art Unit 3765